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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,638	04/06/2001	Robert Edward Touhsaent	2001B025/RMH10185(PL00-24	5507

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EXAMINER

AHMED, SHEEBA

ART UNIT PAPER NUMBER

1773

DATE MAILED: 11/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

CL09

Advisory Action	Application No. 09/828,638	Applicant(s) TOUHSAENT, ROBERT EDWARD	
	Examiner Sheeba Ahmed	Art Unit 1773	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached sheet.

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1. The Response Under 37 CFR 1.116 filed on November 3, 2003 has been entered in the above-identified application but does not place the application in condition for allowance.

The Applicants traverse the rejection of claims 1-5, 9-11, 15-18, and 20 under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (US 5,662,985) in view of Curatolo (US 5,804,301) and Houde (US 6,406,775B1), the rejection of claims 1, 2, 6-8, 15-18, and 20 under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (US 5,662,985) in view of Curatolo (US 5,804,301) and Karim (US 5,883,193) and the rejection of claims 1, 2, 12-14, 15, 16, and 19 under 35 U.S.C. 103(a) as being unpatentable over Jensen et al. (US 5,662,985) over Houde (US 6,406,775 B1) and Saint Victor (US 6,225,389). Applicants submit that the present Specification contains objective evidence of patentability, which serves to rebut any case of obviousness against the presently claimed invention.


The Examiner has reviewed the experimental data provided in the Specification and specifically on Pages 16-19 of the Specification and takes the position that the claimed invention is not commensurate in scope with the showing. Specifically, the independent claims are directed to a coating composition comprising an anionic acrylic polymer and an epoxy acrylate (i.e., claim 15) and to a plastic substrate coated with such a coating composition (i.e., claim 1) whereas the Applicants argue that it is the combination of an anionic acrylic polymer, an epoxy acrylate and a crosslinking agent that provides a synergistic effect such that superior resistance, haze, and ink adhesion


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is achieved. Hence, the Examiner takes the position that a critical component of the invention (i.e., the crosslinking agent) is not claimed in the independent claims.

Furthermore, Examples 5-8 (which describe the present invention) employ a specific anionic acrylic polymer (*NeoCryl XK-90 resin which is an iminated polymer*), a specific epoxy acrylate (*DA-911M which is an epoxy acrylate from propylene glycol*) and a specific crosslinking agent (*an epoxy silane with an imidazole curing catalyst or a polyfunctional aziridine*) and the resultant coating composition is coated on a specific corona treated substrate (*three layer substrates comprising an oriented polypropylene core layer and a pair of ethylene-propylene copolymer skin layers*). The Examiner further takes the position that there is no evidence to show that the results obtained in Examples 5-9 extend to all anionic acrylic polymers, all epoxy acrylates, all crosslinking agents, and all substrates.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (703)305-0594. The examiner can normally be reached on Mondays and Thursdays from 8am-6pm.


Sheeba Ahmed
November 8, 2003


D. S. NAKARANI
PRIMARY EXAMINER *Acting*
BPE